

17-32-1. Powers and duties of bail commissioners.

(1) The county executive, with the advice and consent of the county legislative body, may appoint one or more responsible and discreet members of the sheriff's department of the county as a bail commissioner.

(2) A bail commissioner shall have authority to fix and receive bail for persons arrested in the county for misdemeanors under the laws of the state, or for a violation of any of the county ordinances in accordance with the uniform bail schedule adopted by the Judicial Council or a reasonable bail for county ordinances not contained in the schedule.

(3) Any person who has been ordered by a bail commissioner to give bail may deposit the amount with the bail commissioner:

(a) in money, by cash, certified or cashier's check, personal check with check guarantee card, money order, or credit card, if the bail commissioner has chosen to establish any of those options; or

(b) by a bond issued by a bail bond surety qualified under the rules of the Judicial Council.

(4) Any money or bond collected by a bail commissioner shall be delivered to the appropriate court within three days of receipt of the money or bond.

(5) The court may review the amount of bail ordered by a bail commissioner and may modify the amount of bail required for good cause.

Amended by Chapter 227, 1993 General Session

17-32-2. Collection of fines by bail commissioners -- Disposition.

(1) In addition to the duty of fixing bail, a bail commissioner shall have power to collect and receipt money tendered in payment of the fine of a person serving sentence in default of the payment of the fine when the court is closed.

(2) Money collected by a bail commissioner shall be delivered to the court that issued the commitment order within three days of receipt of the money.

Amended by Chapter 283, 1990 General Session

17-32-3. Term of bail commissioners -- No additional compensation -- Bond and oath.

(1) A commissioner appointed under this chapter shall:

(a) serve at the pleasure of the governing body; and

(b) receive no additional compensation as a bail commissioner.

(2) Before beginning his duties as a bail commissioner, he shall:

(a) take and subscribe an oath to faithfully and impartially discharge the duties of his office;

(b) give a \$2,500 bond to the county wherein he is appointed, with two good and sufficient individual sureties or with a single corporate surety that is approved by the governing body conditioned for the faithful performance of his duties as a bail commissioner; and

(c) account for and turn over to the appropriate court within three days receipt of all money, bonds, property, and records coming into his hands as a bail commissioner.

(3) At the expiration of his term of office, a bail commissioner shall surrender and turn over all funds, bonds, property, paper and records then in his hands pertaining to his office.

(4) Suit upon any bond issued under this section may be brought by the county or any person injured as a result of a bail commissioner's actions.

Amended by Chapter 283, 1990 General Session

17-32-4. Oaths and bonds to be filed.

The oath and bond of the office of a bail commissioner shall be filed with the county clerks of their respective counties.

Amended by Chapter 283, 1990 General Session